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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/896,470	06/29/2001	Arturo A. Rodriguez	A-5867	9263

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EXAMINER

CHOWDHURY, SUMAIYA A

ART UNIT	PAPER NUMBER
2623	

2623

DATE MAILED: 09/06/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 09/896,470	Applicant(s) RODRIGUEZ, ARTURO A.	
	Examiner Sumaiya A. Chowdhury	Art Unit 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 31 May 2006.
- 2a) This action is **FINAL**.
- 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 1-7 and 12-14 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 1-7 and 12-14 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 - 1. Certified copies of the priority documents have been received.
 - 2. Certified copies of the priority documents have been received in Application No. _____.
 - 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 5/31/06 has been entered.

Response to Arguments

2. Applicant's arguments with respect to claims 1-31 have been considered but are moot in view of the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-5, and 13 are rejected under 35 U.S.C. 102(e) as being anticipated by LaJoie (6,772,433).

Considering claim 1, LaJoie discloses a method for accessing a plurality of bi-directional services over a cable television network, comprising:

presenting a program guide to at least one subscriber (col. 16, lines 28-41);

populating the program guide with at least one bi-directional services with availability information (whatever service is displayed on the program guide is an available service), wherein the at least one bi-directional service is maintained in and periodically updated in the program guide by a bi-directional services database (15 – Fig. 1; col. 10, lines 11-21) – (Application server (15) provides data for interactive program guide data. It is well known that the headend updates program guide data periodically. - col. 16, lines 20-41, col. 30, lines 53-67);

receiving a request for an available bi-directional service displayed in the program guide (col. 11, lines 43-47, col. 15, lines 63-67, col. 16, lines 1-6, col. 27, lines 65-67, col. 28, lines 1-4);

rendering the available bi-directional service (Fig. 24-34, col. 11, lines 44-50);

and

updating the bi-directional services database to reflect that the available bi-directional service requested has been rendered (The user selects an IPPV event from the database. The system prompts the user to enter in his/her PIN number to purchase viewing the program. –550 - Fig. 28, col. 31, lines 25-38. The database displays IPPV past events requested by the user – 594 - Fig. 31, col. 32, lines 29-33. The application server (15) manages billing services – col. 10, lines 10-21).

Considering claim 13, LaJoie teaches a system for accessing a plurality of bi-directional services over a cable television network comprising:

means for populating a bi-directional services database (15 – Fig. 1; col. 10, lines 11-21) with availability information (whatever service is displayed on the program guide is an available service) related to a plurality of bi-directional services (col. 16, lines 20-33) – (Application server (15) provides data for interactive program guide data. - col. 16, lines 28-41);

Means (396 – Fig. 18) for presenting a program guide to a plurality of subscribers, wherein the program guide displays the plurality of bi-directional services along with the availability information (col. 16, lines 28-41);

means (14 – Fig. 1) for receiving a request from at least one of the plurality of subscribers for at least one available bi-directional service displayed in the program guide (col. 11, lines 43-47, col. 15, lines 63-67, col. 16, lines 1-6, col. 27, lines 65-67, col. 28, lines 1-4);

means (14 – Fig. 1) for rendering the available bi-directional service (Fig. 24-34, col. 11, lines 44-50); and

means (15 – Fig. 1) for generating an updated bi-directional services database to reflect that the requested at least one bi-directional service has been rendered (The user selects an IPPV event from the database. The system prompts the user to enter in his/her PIN number to purchase viewing the program. –550 - Fig. 28, col. 31, lines 25-38. The database displays IPPV past events requested by the user – 594 - Fig. 31, col.

Art Unit: 2623

32, lines 29-33. The application server (15) manages billing services – col. 10, lines 10-21).

Means (15 – Fig. 1) for retransmitting the program guide including the updated bi-directional services to the plurality of subscribers (It is inherent for the program guide to be updated by the headend.).

Considering claim 2, LaJoie discloses the step of receiving a request for further information regarding the requested bi-directional service (The user is provided with the option of requesting more information for a program/service – col. 30, lines 33-48).

Considering claim 3, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises a bi-directional communication session concurrently between a content provider and a plurality of subscribers (A subscriber orders an VoD event. Additional subscribers order the same VoD event moments later. As a result, there is a bi-directional communication session concurrently between a content provider and a plurality of subscribers. System is inherently able to interact with plurality of viewers at the same time – col. 9, lines 50-55. It would be inoperable to only interact with one subscriber.).

Considering claim 4, LaJoie discloses receiving a request from a subscriber for a bi-directional service comprises a bi-directional communication session between the

Art Unit: 2623

subscriber and at least one other subscriber (Messages may be sent from one subscriber to another – col. 33, lines 52-56).

Considering claim 5, LaJoie teaches:

Receiving a second request (subsequent request) for an available bi-directional service displayed in the program guide;

Transmitting the bi-directional service – col. 11, lines 44-50; and

Updating the availability information in the bi-directional services database (It is well known for program guides to be constantly updated. After the each update, whatever is displayed is available.)

Considering claim 6, LaJoie teaches:

Wherein if a displayed bi-directional service is not available, receiving a request for future consumption of the requested bi-directional service; and providing notification when the bi-directional service is available (If the service selected from the program guide is on at a future time (currently not available), a reminder timer is set to remind the user to tune to the service at the future time – col. 30, lines 8-20)

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

Art Unit: 2623

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claim 7 is rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie as applied to claim 6 above, and further in view of Bates (6681396).

Considering claim 7, LaJoie teaches:

Displaying a notification of the unavailable bi-directional service as discussed above in claim 6. However, LaJoie fails to teach displaying a notice on a currently displayed program.

In an analogous art, Bates teaches displaying a notice (103 – Fig. 5) on a currently displayed program, the notice displaying later showings of the selected program – (See Fig. 4 & Fig. 5, col. 7, lines 10-20).

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitation, as taught by Bates, for the advantage of allowing the user to view the desired program at a later convenient time.

7. Claims 12 and 14 are rejected under 35 U.S.C. 103(a) as being unpatentable over LaJoie.

Considering claim 12, LaJoie teaches wherein the program guide displays bi-directional services along with the availability information as discussed above in claim 1.

Art Unit: 2623

However, LaJoie fails to teach the step of continuously updating the program guide to display availability information for each of the plurality of bi-directional services.

The Examiner takes Official Notice that it is notoriously well known in the art to continuously update the program guide to through the use of a carousel to display availability information. Whatever service(s)/programs are displayed in the program guide, are service(s)/programs that are available.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitations, for the advantage of always providing the user with an updated program guide.

Considering claim 14, LaJoie fails to teach wherein transmitting the program guide including the updated bi-directional services occurs on a scheduled basis.

The Examiner takes Official Notice that it is notoriously well known in the art to transmit a program guide to the user on a scheduled basis through the use of a carousel.

It would have been obvious to one of ordinary skill in the art at the time of applicant's invention to modify LaJoie's invention to include the above mentioned limitations, for the advantage of always providing the user with an updated program guide.

Conclusion

Art Unit: 2623

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sumaiya A. Chowdhury whose telephone number is (571) 272-8567. The examiner can normally be reached on Mon-Fri, 9-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Grant can be reached on (571) 272-7292. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SAC


HAITRAN
PRIMARY EXAMINER